



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,748	08/04/2003	David S. Benco	LUTZ 2 00232	5354

7590 02/22/2006

Richard J. Minnich
Fay, Sharpe, Fagan, Minnich & McKee, LLP
Seventh Floor
1100 Superior Avenue
Cleveland, OH 44114

EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
----------	--------------

2683

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,748	Applicant(s) BENCO ET AL.	
	Examiner DANH C. LE	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-15 is/are allowed.
- 6) ☒ Claim(s) 1-9 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-9, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Link (US 2003/0181202) in view of Hallenstai (US 6,125,126).

As to claim 1, Link teaches a method of adding a selective call forwarding feature to a service plan for a mobile station (figure 3, 10 and paragraph 0056-0059), the method including the steps:

- a) initiating a call forward feature by the user via the mobile station;
- b) retrieving the service plan from a subscriber database;
- c) providing a change selection menu to the user in response to the request (paragraph 0066);
- d) modifying the service plan in conjunction with one or more user selections associated with the change selection menu; and
- e) storing the modified service plan in the subscriber database.

Link fails to teach receiving a request to add the selective mid-call forwarding feature to the service plan from a user. Hallenstai teaches receiving a request to add the selective mid-call forwarding feature to the service plan from a user (figure 3, 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide the teaching of Hallenstai into the system of Link in order to enhance the system performance in which the user can forward the mid-call.

As to claim 3, the combination of Link and Hallenstai teaches the method as set forth in claim 1 wherein the change selection menu provided to the user includes a portion for selection of a first key on the mobile station to activate the selective mid-call call forwarding feature and forward an incoming call to a first telephone number (paragraph 0042).

As to claim 4, the combination of Link and Hallenstai teaches the method as set forth in claim 3 wherein the change selection menu provided to the user includes a portion for specifying the first telephone number (paragraph 0074, 0075).

As to claim 5, the combination of Link and Hallenstai teaches the method as set forth in claim 3 wherein the change selection menu provided to the user includes a portion for selection of a second key on the mobile station to activate the selective mid-call call forwarding feature and forward an incoming call to a second telephone number (paragraph 0074, 0075).

As to claim 6, the combination of Link and Hallenstai teaches the method as set forth in claim 5 wherein the change selection menu provided to the user includes a portion for specifying the second telephone number (figure 9).

As to claim 7, the combination of Link and Hallenstai teaches the method as set forth in claim 5 wherein the change selection menu provided to the user includes a portion for selection of a third key on the mobile station to activate the selective mid-call

call forwarding feature and forward an incoming call to a third telephone number (figure 9).

As to claim 8, the combination of Link and Hallenstai teaches the method as set forth in claim 7 wherein the change selection menu provided to the user includes a portion for specifying the third telephone number (figure 9).

As to claim 9, the combination of Link and Hallenstai teaches the method as set forth in claim 7 wherein the change selection menu provided to the user includes an interactive audio portion (paragraph 0021).

As to claim 16, Link teaches method for processing an incoming call to a first mobile station associated with a subscriber to a wireless service provider (figure 3 and 10, paragraph 0056, 0059), the method including the steps:

- a) receiving the incoming call;
- b) ringing the first mobile station;
- c) receiving a call forwarding activation from the first mobile station;
- d) retrieving a telephone number associated with the call forwarding activation from a service plan associated with the subscriber; and
- e) forwarding the incoming call to a telephone device associated with the retrieved telephone number.

Link fails to teach receiving a request to add the selective mid-call forwarding feature to the service plan from a user. Hallenstai teaches receiving a request to add the selective mid-call forwarding feature to the service plan from a user (figure 3, 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to provide the teaching of Hallenstai into the system of Link in order to enhance the system performance in which the user can forward the mid-call.

As to claim 17, the combination of Link and Hallenstai teaches the method as set forth in claim 16 wherein the mid-call call forwarding activation is a control signal resulting from a user at the first mobile station pressing at least one key on the first mobile station (paragraph 0021).

As to claim 18, the combination of Link and Hallenstai teaches the method as set forth in claim 16 wherein the telephone number in step d) is retrieved from a subscriber database (352).

As to claim 19, the combination of Link and Hallenstai teaches the method as set forth in claim 16 wherein the telephone device in step e) is a second mobile station (paragraph 0040).

As to claim 20, the combination of Link and Hallenstai teaches the method as set forth in claim 16 wherein the telephone device in step e) is a landline telephone device (paragraph 0035).

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Link (2003/0118202) and Hallenstai in view of Fish (US 2004/0248591).

As to claim 2, the combination of Link and Hallenstai teaches the method as set forth in claim 1 which adding the selective mid-call call forwarding feature to the service plan, the combination of Link and Hallenstai fails to teach further including: verifying the user has authority associated with the subscriber. Fish teaches verifying the user has authority associated with the subscriber (paragraph 0092). Therefore, it would have

Art Unit: 2683

been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Fish into the system of Link and Hallenstai in order to allowed the user only creating or modifying the notification setting as indicated.

Allowable Subject Matter

Claims 11-15 are allowed.

As to claim 11, the teaching of above prior arts either alone or in combination fails to teach reporting the status of the selective call forwarding feature in the service plan to the user in response to the status request and receiving a request to modify the selective call forwarding feature from the user via the mobile station;

Dependent claims 12-15 are allowed for the same reason.

Allowable Subject Matter

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 10, the combination of Link and Fish either alone or in combination fails to teach the change selection menu provided to the user includes an interactive graphical display portion.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Begeja et al (US 6,571,094) teaches method and system for remote call forwarding of telephone calls from an IP connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DANH C. LE
February 16, 2006
PRIMARY EXAMINER